

By: Lucio

S.B. No. 42

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a pregnant woman's completion of an adoption education
3 course before performance or inducement of an abortion; providing
4 penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 171, Health and Safety Code, is amended
7 by adding Subchapter E to read as follows:

8 SUBCHAPTER E. ADOPTION EDUCATION COURSE

9 Sec. 171.101. ADOPTION EDUCATION COURSE. (a) The Health
10 and Human Services Commission, in consultation with the department
11 and the Department of Family and Protective Services, shall:

12 (1) develop a three-hour course regarding a pregnant
13 woman's option to place her child for adoption;

14 (2) make the course available on the commission's
15 Internet website at no cost to a pregnant woman seeking an abortion;
16 and

17 (3) provide a dated certificate of completion to a
18 woman who completes the course.

19 (b) Except as provided by Section 171.102, a pregnant woman
20 may not obtain an abortion unless the woman completes the adoption
21 education course described by Subsection (a) and submits the
22 certificate of completion to the physician performing or inducing
23 the abortion. The course must be completed not more than 30 days
24 and not less than 24 hours before the abortion is performed or

1 induced.

2 (c) Except as provided by Section 171.102, a physician may
3 not perform or induce an abortion without first receiving a
4 certificate of completion described by Subsection (a)(3) for a
5 course completed in the time authorized under Subsection (b).

6 (d) The executive commissioner of the Health and Human
7 Services Commission, in consultation with the department and the
8 Department of Family and Protective Services, shall adopt the rules
9 necessary to implement this subchapter, including rules to provide
10 pregnant minors with access to the adoption education course.

11 Sec. 171.102. APPLICABILITY. This subchapter does not
12 apply to:

13 (1) an abortion performed or induced if there exists a
14 condition that, in the physician's reasonable medical judgment, so
15 complicates the medical condition of the woman that, to avert the
16 woman's death or a serious risk of substantial and irreversible
17 physical impairment of a major bodily function, other than a
18 psychological condition, it necessitates the immediate abortion of
19 her pregnancy;

20 (2) an abortion performed on a minor whose pregnancy
21 is a result of a sexual assault, incest, or other violation of the
22 Penal Code that has been reported to law enforcement authorities or
23 that has not been reported because she has a reason that she
24 declines to reveal because she reasonably believes that to do so
25 would put her at risk of retaliation resulting in serious bodily
26 injury; or

27 (3) an act done with the intent to:

- 1 (A) save the life or preserve the health of an
2 unborn child;
- 3 (B) remove a dead, unborn child whose death was
4 caused by spontaneous abortion;
- 5 (C) remove an ectopic pregnancy; or
- 6 (D) treat a maternal disease or illness for which
7 a prescribed drug, medicine, or other substance is indicated.

8 SECTION 2. Section 164.052(a), Occupations Code, as
9 effective on the 91st day after the last day of the 83rd
10 Legislature, 2nd Called Session, 2013, is amended to read as
11 follows:

12 (a) A physician or an applicant for a license to practice
13 medicine commits a prohibited practice if that person:

14 (1) submits to the board a false or misleading
15 statement, document, or certificate in an application for a
16 license;

17 (2) presents to the board a license, certificate, or
18 diploma that was illegally or fraudulently obtained;

19 (3) commits fraud or deception in taking or passing an
20 examination;

21 (4) uses alcohol or drugs in an intemperate manner
22 that, in the board's opinion, could endanger a patient's life;

23 (5) commits unprofessional or dishonorable conduct
24 that is likely to deceive or defraud the public, as provided by
25 Section 164.053, or injure the public;

26 (6) uses an advertising statement that is false,
27 misleading, or deceptive;

1 (7) advertises professional superiority or the
2 performance of professional service in a superior manner if that
3 advertising is not readily subject to verification;

4 (8) purchases, sells, barter, or uses, or offers to
5 purchase, sell, barter, or use, a medical degree, license,
6 certificate, or diploma, or a transcript of a license, certificate,
7 or diploma in or incident to an application to the board for a
8 license to practice medicine;

9 (9) alters, with fraudulent intent, a medical license,
10 certificate, or diploma, or a transcript of a medical license,
11 certificate, or diploma;

12 (10) uses a medical license, certificate, or diploma,
13 or a transcript of a medical license, certificate, or diploma that
14 has been:

15 (A) fraudulently purchased or issued;

16 (B) counterfeited; or

17 (C) materially altered;

18 (11) impersonates or acts as proxy for another person
19 in an examination required by this subtitle for a medical license;

20 (12) engages in conduct that subverts or attempts to
21 subvert an examination process required by this subtitle for a
22 medical license;

23 (13) impersonates a physician or permits another to
24 use the person's license or certificate to practice medicine in
25 this state;

26 (14) directly or indirectly employs a person whose
27 license to practice medicine has been suspended, canceled, or

1 revoked;

2 (15) associates in the practice of medicine with a
3 person:

4 (A) whose license to practice medicine has been
5 suspended, canceled, or revoked; or

6 (B) who has been convicted of the unlawful
7 practice of medicine in this state or elsewhere;

8 (16) performs or procures a criminal abortion, aids or
9 abets in the procuring of a criminal abortion, attempts to perform
10 or procure a criminal abortion, or attempts to aid or abet the
11 performance or procurement of a criminal abortion;

12 (17) directly or indirectly aids or abets the practice
13 of medicine by a person, partnership, association, or corporation
14 that is not licensed to practice medicine by the board;

15 (18) performs an abortion on a woman who is pregnant
16 with a viable unborn child during the third trimester of the
17 pregnancy unless:

18 (A) the abortion is necessary to prevent the
19 death of the woman;

20 (B) the viable unborn child has a severe,
21 irreversible brain impairment; or

22 (C) the woman is diagnosed with a significant
23 likelihood of suffering imminent severe, irreversible brain damage
24 or imminent severe, irreversible paralysis;

25 (19) performs an abortion on an unemancipated minor
26 without the written consent of the child's parent, managing
27 conservator, or legal guardian or without a court order, as

1 provided by Section 33.003 or 33.004, Family Code, authorizing the
2 minor to consent to the abortion, unless the physician concludes
3 that on the basis of the physician's good faith clinical judgment, a
4 condition exists that complicates the medical condition of the
5 pregnant minor and necessitates the immediate abortion of her
6 pregnancy to avert her death or to avoid a serious risk of
7 substantial impairment of a major bodily function and that there is
8 insufficient time to obtain the consent of the child's parent,
9 managing conservator, or legal guardian; ~~or~~

10 (20) performs or induces or attempts to perform or
11 induce an abortion in violation of Subchapter C, Chapter 171,
12 Health and Safety Code; or

13 (21) performs or induces an abortion in violation of
14 Subchapter E, Chapter 171, Health and Safety Code.

15 SECTION 3. (a) The executive commissioner of the Health and
16 Human Services Commission shall adopt the rules required by
17 Subchapter E, Chapter 171, Health and Safety Code, as added by this
18 Act, not later than January 1, 2014.

19 (b) The Health and Human Services Commission shall make the
20 adoption education course described by Subchapter E, Chapter 171,
21 Health and Safety Code, as added by this Act, available on its
22 Internet website not later than June 1, 2014.

23 SECTION 4. The change in law made by this Act applies only
24 to an abortion performed or induced on or after July 1, 2014. An
25 abortion performed or induced before July 1, 2014, is governed by
26 the law in effect immediately before the effective date of this Act,
27 and that law is continued in effect for that purpose.

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1 SECTION 5. This Act takes effect on the 91st day after the
2 last day of the legislative session.